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July 23, 2010

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BY ECF

Honorable Steven M. Gold
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

**Re: Johnson & Johnson and LifeScan, Inc. v. South Pointe
Wholesale, et al., 08-CV-1297 (SLT) (SMG)**

Dear Judge Gold:

We write on behalf of the plaintiffs, Johnson & Johnson and LifeScan, Inc. ("J&J"), to propose an agenda for the discovery conference scheduled for Monday July 26, 2010 at 2:00 PM. Listed below are the five current outstanding discovery disputes, in addition to the relevant ECF filings and docket numbers.¹

1. *Novex America and Dennis Cantor's (collectively, "Novex") motion to compel additional discovery*
 - a. Novex's letter requesting a pre-motion conference to compel discovery, dated June 11, 2010 [Docket #545]
 - b. J&J's letter in opposition to Novex's request for a pre-motion conference, dated June 16, 2010 [Docket #548]
 - c. Novex's letter, dated June 21, 2010, correcting statements in Plaintiffs' June 16, 2010 letter [Docket # 549]
2. *Novex's motion to compel an additional J&J 30(b)(6) witness*
 - a. Novex's letter requesting a pre-motion conference to compel discovery, dated June 11, 2010 [Docket #545]
 - b. J&J's letter in opposition to Novex's request for a pre-motion conference, dated June 16, 2010 [Docket #548]

¹ Because the discovery disputes are broken down by relevant topic, some of the same filings with the court appear more than once.

Honorable Steven M. Gold
July 23, 2010
Page 2

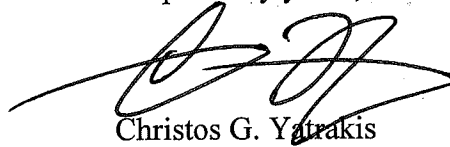
- c. Novex's letter, dated June 21, 2010, correcting statements in Plaintiffs' June 16, 2010 letter [Docket # 549]
 - d. J&J letter, dated July 9, 2010, opposing Novex's motion to compel an additional 30(b)(6) witness [Docket# 561]
3. *QK Healthcare Inc.'s ("QK") motion to compel an additional J&J 30(b)(6) witness*
- a. QK's letter, dated July 7, 2010, seeking motion to compel J&J to produce an additional 30(b)(6) witness. [Docket #557]
 - b. J&J letter, dated July 9, 2010, opposing QK's motion to compel an additional 30(b)(6) witness. [Docket# 560]
4. *QK's Motion to Compel depositions of Dan Giavenetto and Eric Compton*
- a. QK's letter, dated July 6, 2010, seeking motion to compel the depositions of Dan Giavenetto and Eric Compton. [Docket #556]
 - b. J&J's letter, dated July 9, 2010, in opposition to QK's motion to compel the depositions of Messr. Compton and Giavenetto, and an additional 30(b)(6) witness. [Docket #560]
5. *J&J's motion for a protective order relating to Novex's notices of depositions*
- a. J&J letter, dated July 9, 2010, opposing Novex's motion to compel an additional 30(b)(6) witness. [Docket# 561]
 - b. Novex's letter dated July 21, 2010, in response to J&J's letter of July 9, 2010 requesting a protective. [Docket #563]
 - c. J&J letter, dated July 21, 2010, seeking a protective order concerning LifeScan depositions noticed by Novex. [Docket# 564]
 - d. Novex's letter, dated July 23, 2010, requesting leave to file response to J&J's July 21, 2010 letter.² [Docket# 566]

² While J&J's motion for a protective order with respect to the Novex deposition notices to Tom West and Valarie Asbury have been fully briefed, J&J's motion for a protective order with respect to Novex's deposition notice to Colleen Goggins has not been formally opposed and may require additional briefing before the matter can be properly addressed by the Court.

Honorable Steven M. Gold
July 23, 2010
Page 3

6. *QK Healthcare and MSI Medical Supply Inc.'s ("MSI") motions to extend discovery for an additional 120 days*
- a. QK's letter, dated July 8, 2010, seeking to extend time to complete discovery. [Docket # 558]
 - b. MSI's letter, dated July 19, 2010, joining QK's motion to extend discovery. [Docket# 562]
 - c. J&J letter, dated July 23, 2010, opposing QK and MSI's motions to extend discovery. [Docket# 567]

Respectfully yours,



Christos G. Yatrakis